

-6-

**REMARKS**

This amendment is responsive to the Office Action of April 14, 2008. Reconsideration and allowance of claims 1-5 and 9-20 are requested.

**The Office Action**

Claims 1, 9-11, 13, 18, and 20 stand rejected under 35 U.S.C. §102(b) as being anticipated by Schuetz (U.S. Patent No. 6,206,566).

Claims 2 and 3 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Schuetz in view of Seeley, et al. (U.S. Patent No. 6,484,049).

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Schuetz in view of Simon, et al. (U.S. Patent No. 6,118,845).

Claims 5, 14-17 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Schuetz in view of Erbel, et al. (U.S. Patent Application No. 2002/0122530).

Claim 12 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Schuetz in view of Close, et al. (U.S. Patent No. 5,774,521).

Claims 17-20 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

**The Claims Distinguish Patentably  
Over the References of Record**

**Claim 1** now calls for attaching a pattern of marking elements to a patient or the patient table in an imaging region. Schuetz fails to show this limitation. The present claim amendment to claim 1 does not introduce new matter. Support can be found, for example, at page 4, lines 22-24 of the Applicant's original specification, stating that the objects can be a patient and an exam table on which the patient lies. The marker plate 19 of Schuetz does not reasonably read on the term "patient" or "table." Additionally, the present amendment does not require additional searching. It is well known that subjects are crucial in any imaging process. One does not buy a camera to take pictures of nothing. The Applicant is confident that the Examiner's previous search thoroughly encompassed the idea of a subject in the imaging region of an imaging device. It is therefore respectfully submitted that **claim 1** and

-7-

**claims 2-5, 14, 17, and 18** now distinguish patentably and unobviously over the references of record.

Similarly, **claim 9** now calls for at least one marking device for attachment to a patient or the patient table in the imaging region. Schuetz fails to show this limitation. It is therefore respectfully submitted that **claim 9** and **claims 11-13, 15, 16, 19, and 20** now distinguish patentably and unobviously over the references of record.

With respect to **claims 17 and 19**, the claimed limitations find support in the specification. At page 7, lines 23-24, the specification states that the elements 6 are not visibly evident in the x-ray image. The specification then goes on (pages 8 and 9) to describe the processing that is used to reveal the elements 6. At page 9, lines 26-27, the specification states that the elements 6 are not identifiable until post-processing, that is, that they are revealed in post processing. It is therefore respectfully submitted that **claims 17 and 19** find support in the specification as originally filed, and are in condition for allowance.

**Claims 18 and 20** have been amended as the Examiner has indicated in paragraph 4 of the Office Action. It is therefore respectfully submitted that **claims 18 and 20** are now in condition for allowance.

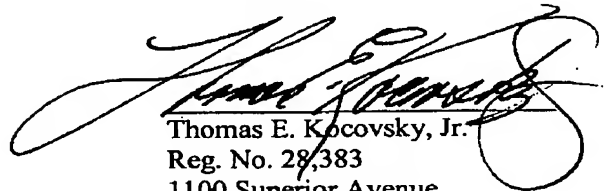
-8-

**CONCLUSION**

For the reasons set forth above, it is submitted that all claims are not anticipated by and distinguish patentably and unobviously over the references of record. An early allowance of all claims is requested.

Respectfully submitted,

FAY SHARPE LLP



Thomas E. Kocovsky, Jr.  
Reg. No. 28,383  
1100 Superior Avenue  
Seventh Floor  
Cleveland, OH 44114-2579  
(216) 861-5582

Direct All Correspondence to:  
Yan Glickberg, Reg. No. 51,742  
US PHILIPS CORPORATION  
P.O. Box 3001  
Briarcliff Manor, NY 10510-8001  
(440) 483-3455 (tel)  
(440) 483-2452 (fax)

N:\PKRX\200083\VS0000555\001.docx